

**TERMINAL DISCLAIMER TO OBVIATE MULTIPLE DOUBLE
PATENTING REJECTIONS**

Docket Number: GBL09301CIP

In re Application of: Jennipher Grudzien et al.

Application No.: 10/784,092

Filed: February 20, 2004

For: REACTION SURFACE ARRAY DIAGNOSTIC APPARATUS

The owner*, Grace Bio-Labs, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on the pending **reference** Application Nos.: 10/349,347 filed on January 22, 2003, and 11/236,979 filed on September 28, 2005 as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said **reference** applications may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending **reference** applications. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the **reference** applications are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on said **reference** applications, "as the term of any patent granted on said **reference** application," in the event that: any such patent: granted on the pending **reference** applications:

expires for failure to pay a maintenance fee;
is held unenforceable;
is found invalid by a court of competent jurisdiction;
is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
has all claims canceled by a reexamination certificate;
is reissued; or
is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. 47,048

/John D. Russell/

November 12, 2009

Signature

Date

John D. Russell

Typed or printed name

(503) 459-4141

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

Telephone Number

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.